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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,918	01/22/2004	Simon D. Yeung	LS001	6150
7590 LOGIC SIGHT, INC. 487 Health Street Milpitas, CA 95035				
09/02/2009				
EXAMINER				
LE, MIRANDA				
ART UNIT		PAPER NUMBER		
2159				
MAIL DATE		DELIVERY MODE		
09/02/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/762,918

**Applicant(s)**

YEUNG ET AL.

**Examiner**

MIRANDA LE

**Art Unit**

2159

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Claim 29 recites new issues that would require further consideration and search. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-22, 29-39, 46-49, 53-57 and 62.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Miranda Le/  
Primary Examiner, Art Unit 2159

Continuation of 11, does NOT place the application in condition for allowance because: Applicants' arguments do not overcome the final rejection.

1. Claim 50 recites that said entity model comprises information regarding a work efficiency of said entity/person.

In response to Applicant argues that "Leisten discloses professional skill. Notably, "skill" is not the same as "work efficiency". This is because "skill" measures knowledge and ability, while "work efficiency" measures an efficiency to perform a given task. Thus the "professional skill" in Leisten cannot be considered to be the claimed "work efficiency", the Examiner respectfully notes that it is brought to Applicant's attention that the claimed limitation recites "information regarding a work efficiency" which has a different meaning from "a work efficiency"

The term "information" could be read on any information related to a work efficiency, for example, if a machine and a person are performing the same automated task, or work, it should be obvious that a machine will perform such task more efficiently than a person. Therefore, the term "a machine" or "a person" is interpreted as information regarding a work efficiency.

Further, the term "skill" of Leisten could be interpreted as information which regards to work efficiency. It should be noted that a person without a specific skill cannot efficiently perform a specific work. Applicant is thus encouraged to amend the claims to better reflect what applicant intends to claim as the invention.

2. Claim 29, recites new limitations "obtaining a result of a performance of said task of a business process; comparing said result with a result of previously performed task for a previously created business process".

This amended limitation will need further consideration and search.

3. Claim 53, 58, proposing a change using a processor in said business process based on information regarding a result of an activity performed by said entity, thereby allowing a user to accept change.

In response to Applicant's argument that "Leisten discloses that a work process object is dynamically changing, and does not disclose or suggest that a change is proposed. Applicant notes that the act of changing a work process is not the same as proposing a change. On the other hand, proposing a change allows a user an opportunity to accept a change. Thus, in Johnson, the system itself does not propose a change to a business process. Rather, the system of Johnson output a probabilistic output result to the user, and it is the user who propose a change to a business process, the Examiner respectfully disagrees.

Johnson teaches a processor proposes a change as the command prompts at least one of the interrelated business processes to make a change in the at least one of the interrelated business processes, See Johnson, para [0007].

This limitation is further taught by combination of Leisten and Johnson.

Leisten teaches "dynamically changing" but not displaying the proposal of change.

Johnson teaches the step of displaying the result, which prompts the interrelated business processes, and the step of accepting the change from the user.

It should be obvious to modify the system of Leisten to include the step of displaying the proposal of change and accepting the change from the user as taught by Johnson because it would provide a method that describes for visualizing a probabilistic output result generated by a business information and decision control system for a business including multiple interrelated business processes.

Based on the foregoing discussion, it is submitted that all claims are not patentably distinct over the cited art of record.